

REMARKS

In the Office Action¹, the Examiner rejected claims 1, 2, 5-17, 30, 31, and 34-54 under 35 U.S.C. § 112, first paragraph, and allowed claims 3, 4, 32, and 33. Claims 1-17 and 30-54 remain pending in this application.

I. Regarding the rejection of claims 1, 2, 5-17, 30, 31, and 34-54 under 35 U.S.C. § 112, first paragraph

Regarding the rejection of claims 1, 2, 5-17, 30, 31, and 34-50 under 35 U.S.C. § 112, first paragraph, the Examiner states, “[t]he original specification does not support the concept of making the selection of the medium based on a communication protocol” (Office Action at page 2). Applicants respectfully disagree.

The following excerpts from Applicants’ specification are examples of teachings which render the claims in full compliance with 35 U.S.C. § 112, first paragraph:

“Communication profiles are the detailed communication parameters that must be utilized by one network entity wishing to communicate with another network device operating on the ICS network” (Specification at page 8, lines 8-11).

“To initiate a wireless communication link with the ICS network 10, the local ICS module 304 determines whether the communication profile for the desired network server (40 or 42) is stored on-board the point of care terminal (20 or 22)” (Specification at page 16, lines 4-6).

“If the communications profile for the desired network server is not stored on-board the point of care terminal (20 or 22), the ICS module 304 initiates

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

communication with the ICC database server 50 utilizing the same scheme previously discussed (i.e. local wireless Ethernet, then remote wireless Ethernet, and then PSTN)” (Specification at page 16, lines 20-23).

“Table 1 is an example of communication profiles that may be stored in either the local ICS module (304 or 404) or the network ICS module 515” (Specification at page 23, lines 26-28).

The communication profiles may include the type of protocol (Specification at page 24, lines 1-2). The communication protocol is part of the communication profile and the communication protocol is used in making the selection of the medium. Applicants submit that these passages, among others, enable the claimed limitation. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 2, 5-17, 30, 31, and 34-50 under 35 U.S.C. § 112, first paragraph.

Regarding the rejection of claims 51-54 under 35 U.S.C. § 112, first paragraph, the Examiner states, “a second attempt to establish communication via a remote wireless network if the first attempt fails . . . is not supported in the original specification” (Office Action at page 3). Applicants respectfully disagree.

The Specification states, “[i]f a communication link cannot be established, the local ICS module then attempts to initiate a communication link via the portable radiotelephone transceiver 308” (Specification at page 16, lines 8-10), and further states, “[i]f the communications profile for the desired network server is not stored on-board the point of care terminal (20 or 22), the ICS module 304 initiates communication with the ICC database server 50 utilizing the same scheme previously discussed (i.e. local wireless Ethernet, then remote wireless Ethernet, and then PSTN)” (Specification

at page 16, lines 20-23). In other words, if the first attempt fails, a second attempt via "remote wireless Ethernet" is initiated. Applicants submit that these passages, among others, enable the claimed limitation. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 51-54 under 35 U.S.C. § 112, first paragraph.

II. Conclusion

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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